

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*

Plaintiffs,

V.

JOSHUA MAST, *et al.*

Defendants,

and

UNITED STATES SECRETARY OF
STATE ANTONY BLINKEN, *et al.*,

Nominal Defendants.

Case No. 3:22-cv-49-NKM-JCH

DECLARATION OF JOSHUA MAST

I, Joshua Mast, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of 18 and competent to testify in this matter.
2. I have personal knowledge about the matters stated in this Dec
3. I am a Defendant in the above-captioned matter.

4. In approximately late January or early February of 2023, a military member introduced me to the Pipe Hitter Foundation because of its track record of providing grants for members of the armed forces and first responders that have been wrongfully accused of crimes, and due to their experience with government oversight.

5. My family has incurred significant expenses as a result of this lawsuit and the others pending in Virginia state court brought by the John and Jane Doe.

6. When I inquired about a grant, I provided an overview of my family's situation and from the outset explained to the Pipe Hitter Foundation that due to the Court's gag order and its restrictions on identifying our daughter in this suit, we were essentially unable to defend ourselves from very public lies or have others do so on our account.

7. When the Pipe Hitter Foundation informed me of their process for providing grants, I was unable to enter into their agreement they utilize for providing funds to cover extraordinary legal expenses, so I declined to work with them.

8. My understanding is the Pipe Hitter Foundation subsequently reached out to my family members, who were familiar with our daughter's situation and have known about it since 2019. My understanding is Jonathan agreed to work with the Pipe Hitter Foundation at some point after we had declined.

9. Stephanie and I knew about this Court's gag order and have made every effort to comply with it since we learned about it in September 2022.

10. In approximately late February or early March 2023, Stephanie and I learned that my brother, Jonathan Mast, had coordinated with the Pipe Hitter Foundation to raise money for our expenses.

11. Stephanie and I were unaware Jonathan had media engagements and were not involved in them. We did not provide him the images to use in those efforts and had not seen them until this latest filing.

12. As an Uncle and my brother, Jonathan Mast, and many other members of our family had access to the images he provided to the Pipe Hitter Foundation long before this Court issued its gag order.

13. The ones that were more recent—the image on pages 4–8 of Exhibit 1 (ECF No. 231-1 at 5–9) and the third image on page 3 of Exhibit 1 (ECF No. 231-1 at 4)—were shared by me with my family members, including my brother Jonathan, who all know the identity of our daughter.

14. Even after the Court’s hearing on February 8, 2023, I did not believe that the gag order prohibited “identification” in the form of allowing family members or other people we interact with day-to-day to see our daughter. For instance, in the context of the original motion to show cause, Plaintiffs’ counsel argued “[n]o one is saying that Stephanie Mast can’t” walk Baby Doe to school without being at risk subject to the protective order. ECF No. 170 at 96. I likewise do not believe that sharing family photos with my family, who have met our daughter in person many times over the last two years, would constitute an impermissible “identification.” They have been an integral part of her life, and that has not changed as a result of any lawsuit.

15. Many of my family members have their own images of our daughter with her brothers and cousins from birthdays, Christmases, and other family events that have occurred since she escaped from the Taliban in August 2021.

16. Stephanie and I did not identify John or Jane Doe or our daughter to the Pipe Hitter Foundation.

17. Stephanie and I did not know what, if any, information Jonathan Mast provided to the Pipe Hitter Foundation or that he was going to speak on the One America News Network until after those events occurred.

18. Stephanie and I did not seek out media attention on this matter. We preferred to not broadcast to terrorist organizations around the world that we had adopted the daughter of an Al Qaeda fighter and opted to maintain the privacy of all parties involved, especially that of our daughter, Baby Doe.

19. Before John and Jane Doe initiated their media campaign and made our home address public, to my knowledge, there was no significant media attention in our daughter or in this case. The Taliban issued a statement on their social media and official website naming myself and supporting the Does only after John and Jane Doe discussed the case with media outlets.

20. My wife and I are trying our best to comply with the Court's gag order. But we have asked the Court to lift it because it places a tremendous burden on us and our family. This latest motion only increases that burden by casting scrutiny on our ordinary dealings with our closest family members, including when we gather for holidays and share family photos.

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Executed on this, the 28th day of June, 2023.

AUTHORITY
10 U.S.C. 1044A
JAG MANUAL 0902
NC GEN STAT 47-2 TO 47-2.1
NO SEAL REQUIRED


Joshua Mast


Maj/USMC